

21A.190 Pilot project to study the feasibility and desirability of conducting some open juvenile proceedings.

- (1) The General Assembly respectfully requests that the Supreme Court of Kentucky institute a pilot project to study the feasibility and desirability of the opening or limited opening of court proceedings, except for proceedings related to sexual abuse, to the public which are related to:
 - (a) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and
 - (b) Termination of parental rights proceedings under KRS Chapter 625.
- (2)
 - (a) The pilot project may be established in a minimum of three (3) diverse judicial districts or judicial circuits or a division or divisions thereof chosen by the Chief Justice.
 - (b) A pilot project authorized by this subsection shall not be established in a judicial district or judicial circuit or a division thereof when objected to by the applicable judge or county attorney.
- (3) The pilot project shall:
 - (a) Require participating courts to be presumptively open;
 - (b) Last for four (4) years, unless extended or limited by the General Assembly; and
 - (c) Be monitored and evaluated by the Administrative Office of the Courts to determine:
 1. Whether there are adverse effects resulting from the opening of certain proceedings or release of records;
 2. Whether the pilot project demonstrates a benefit to the litigants;
 3. Whether the pilot project demonstrates a benefit to the public;
 4. Whether the pilot project supports a determination that such proceedings should be presumptively open;
 5. Whether the pilot project supports a determination that such proceedings should be closed;
 6. How open proceedings under the pilot project impact the child;
 7. The parameters and limits of the program;
 8. Suggestions for the operation and improvement of the program;
 9. Rules changes which may be needed if the program is to be made permanent and expanded to all courts; and
 10. Recommendations for statutory changes which may be needed if the program is to be made permanent and expanded to all courts.
- (4) The Administrative Office of the Courts:
 - (a) Shall provide an annual report to the Legislative Research Commission, the Child Welfare Oversight and Advisory Committee established in KRS 6.943, and the Interim Joint Committee on Judiciary by September 1 of each year the program is in operation with statistics, findings, and recommendations; and

- (b) May make periodic progress reports and statistical reports and provide suggestions to the Interim Joint Committee on Health and Welfare and to the Interim Joint Committee on Judiciary when determined necessary by the Chief Justice.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 159, sec. 48, effective July 14, 2018. -- Created 2016 Ky. Acts ch. 76, sec. 1, effective July 15, 2016.